
COMMONWEALTH OF VIRGINIA



OFFICE OF THE GOVERNOR Executive Order 71 (01)

COMMONWEALTH COMMUTER CHOICE COMMUTER ASSISTANCE FOR STATE EMPLOYEES USING VAN POOLS OR TRANSIT FACILITIES

The Commonwealth of Virginia must lead the way for state employees to use van pools and transit in their daily commutes, particularly in the northern part of Virginia. Traffic congestion wastes precious hours that could be spent with family, costs millions of dollars per year in lost time and reduced productivity, and contributes to the degradation of air quality. Therefore, I am instituting Commonwealth Commuter Choice, a program of qualified transportation fringe benefits for state employees who commute using qualified van pools or transit facilities.

I am directing all state agencies with offices in the northern part of Virginia to provide a tax-free qualified transportation fringe benefit to full-time employees who regularly commute to their offices using a qualified van pool or transit facility. In addition, I am encouraging all other state agencies to provide a similar fringe benefit to their employees. Increasing state employee use of van pools and transit facilities will help reduce traffic congestion, air pollution, and wasted time away from families. Increasing participation will also help preserve energy resources for future generations, and move the Commonwealth closer to achieving the goals of her Energy Plan.

By virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, including but not limited to Chapter 5 of Title 2.1 of the Code of Virginia, and subject to my continuing and ultimate authority and responsibility to act in such matters, I do hereby direct that the state employee commuter assistance program described below be implemented by all agencies of the executive branch of the Commonwealth no later than October 1, 2000.

All executive branch agencies with offices to which employees regularly report for work in the Counties of Arlington, Fairfax, Loudoun, Prince William, Spotsylvania, and Stafford and the cities of Alexandria, Fairfax, Falls church, Fredericksburg, Manassas, and Manassas Park shall implement a commuter assistance program for full-time employees who regularly report for work in those localities, and who commute using qualified van pools or transit facilities. The commuter assistance program in these localities shall provide employees, as described above, with a tax-free qualified transportation fringe benefit. The benefit shall be equal to the employee's cost of commuting to and from their workplace using van pools or transit facilities, as provided in 26 U.S.C. § 132(f)(1)(A) and (B), up to the maximum allowable amount under 26 U.S.C. § 132(f)(2). The agency plans shall comply with the requirements of all Internal Revenue service regulations for qualified transportation fringe benefits, including but not limited to 26 C.F.R. § 1.132-9.

In addition, all agencies of the Commonwealth not required to implement this commuter assistance program are encouraged to do so by providing the same tax-free qualified transportation fringe benefit to their full-time employees that commute by qualified van pools or transit facilities. Further, it is within the discretion of all Commonwealth agencies to provide this benefit to P-14 employees as well.

The Secretary of Transportation, in conjunction with the Department of Rail and Public Transportation (DRPT),

shall develop guidelines for implementing Commonwealth Commuter Choice, and shall work with any agency needing assistance to implement this order. All agencies that implement this initiative shall absorb the cost of implementation within their existing resources.

This Executive Order shall become effective upon its signing and shall remain in full force and effect until superseded or rescinded by further executive action.

Given under my hand and under the Seal of the Commonwealth of Virginia this 23rd day of August, 2000.

James S. Gilmore, III, Governor

Attest: Secretary of the Commonwealth